BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20247 of 2022
M.Sakthi Ariyappan ... Petitioner
Vs.

1.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

2.The Firka Surveyor,
Kovilankulam Firka,
Kamudhi Taluk,
Ramanathapuram District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents to conduct Survey and earmark the four boundaries in Survey No. 299/5, Seemanenthal Village, Kamudhi Taluk, Ramanathapuram District.

For Petitioner : Mr.C.Mayil Vahana Rajendran
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER
The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner-s request, this writ petition came to be filed.
2. The Writ Petition is disposed of with the following directions:~
(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.
(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.
(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.
(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.
(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.
(VII) A copy of the survey report will be served on the parties also.
No costs.
29.08.2022
Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 02.09.2022

To

1.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

2.The Firka Surveyor,
Kovilankulam Firka,
Kamudhi Taluk,
Ramanathapuram District.

G.R.SWAMINATHAN, J.

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29.08.2022